

# City Council Agenda

Council President  
**Mike Dages**

Councilmembers

Tom Boyajian  
Brian Calhoun  
Jerry Duncan

Henry T. Perea  
Cynthia Sterling  
Larry Westerlund

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

City Attorney  
**Hilda Cantú Montoy**

Meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Office at 621-7650

The City Council welcomes you to this meeting.

**NOVEMBER 29, 2005**

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. p.m. and re-played beginning at 8:30 p.m.

## **8:30 A.M. ROLL CALL**

Invocation by Mr. Jay Trachman of Temple Beth Israel

Pledge of Allegiance to the Flag

## **Ceremonial Presentations:**

Proclamation of "CANDLELIGHT CHRISTMAS ON HUNTINGTON BOULEVARD DAY" – Council President Dages

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of November 15, 2005

**Action Taken:**

Councilmember Reports and Comments

**Action Taken**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- A. \* Approve the ninth amendment to agreement with Camp, Dresser & McKee for environmental engineering services relating to groundwater remediation activities at the Fresno Sanitary Landfill Superfund Site – Public Works Dept.  
**Action Taken:**
- B. \* Approve the acquisition of a street easement from property at the southwest corner of Inyo and Clovis Avenues and authorize the Public Works Director to execute the documents and close escrow – Public Works Dept.  
**Action Taken:**
- C. **RESOLUTION** - Of intention to annex Final Tract No. 5414 to the City of Fresno Community Facilities District No. 2, Annexation No. 105 – Public Works Dept.  
**Action Taken:**
- D. Adopt Resolution of Intention No. 1048-D to vacate a portion of West Avenue north of Herndon Avenue – Public Works Dept.  
**Action Taken:**
- E. **RESOLUTION** - Approving the summary vacation of Weber Avenue between Carnegie and Hayes Avenues – Public Works Dept.  
**Action Taken:**
- F. \* Approve the sale of a remnant street widening parcel at Cedar and McKenzie Avenues to the adjacent property owner – Public Works Dept.  
**Action Taken:**
- G. Interim extensions of contracts for transportation and processing of wood and yard waste – Dept. of Public Utilities
1. \* Approve interim extension of requirements contract to Kochergen Farms Composting, Inc. of Fresno for transportation and processing of wood and yard waste  
**Action Taken:**
  2. \* Approve interim extension of requirements contract to West Coast Waste, Inc. of Fresno for transportation and processing of wood and yard waste  
**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- H. \* Reject low bid as non-responsive and award a requirements contract to Metron Farnier LLC. for single jet water meters – Dept. of Public Utilities/ Water Division  
**Action Taken:**
- I. \* Award a contract to Lloyd W. Aubry Co., Inc. for the purchase and installation of baggage claim equipment for the Federal Inspection Station (FIS) at Fresno Yosemite International (FYI) Airport – Airports Dept.  
**Action Taken:**
- J. **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Belmont-Fowler No. 2 Reorganization – Planning and Development Dept.  
**Action Taken:**
- K. \* Approve amendment to agreement with Carollo Engineers, P.C., for professional engineering services related to the Fresno-Clovis Regional Wastewater Reclamation Facility Master Plan Update – Dept. of Public Utilities  
**Action Taken:**
- L. \* Ratify the Transition Agreement with North Central Fire Protection District and authorize City Manager to execute – Fire Dept.  
**Action Taken:**
- M. **RESOLUTION** – Approving the Final Map of Tract No. 5359 and accepting dedicated public uses therein and authorize the Planning and Development Director to execute the necessary documents – Planning and Development Department  
**Action Taken:**
- N. **RESOLUTION** – Approving the Final Map of Tract No. 5210 and accepting dedicated public uses therein and authorize the Public Works Director, Planning and Development Director and Fire Chief to execute the necessary documents – Planning and Development Department  
**Action Taken:**
- O. \* **BILL NO. B-134 – (Intro. 11/15/2005) (For adoption)** - Amending Section 2-1517.1 of the Fresno Municipal Code relating Special Police Protection – Personnel Services Dept.  
**Action Taken:**
- P. **BILL – (For introduction)** - Amending and adding Subsections (a) and (b) to 13-920 of the Fresno Municipal Code relating to sign violations on public property – City Attorney's Office  
**Action Taken:**

2. **GENERAL ADMINISTRATION**

- A. \* **RESOLUTION** – 43<sup>rd</sup> amendment to AAR No. 2006-286 appropriating \$500,000 for the purpose of funding the execution of two (2) professional services agreements related to the processing of development projects (**Requires 5 affirmative votes**) Planning and Department Dept.  
**Action Taken:**

3. **CITY COUNCIL**

- A. Request staff provide the Council information on governance policies and income/expenditures for Police Department and Fire Department Foundations – Councilmember Calhoun  
**Action Taken**
- B. Request staff to identify program and salary savings from unfilled positions in the education spending appropriations to provide a maximum of \$50,000 to hire an outside independent agency to conduct an evaluation and assessment of the City's multiple education programs and initiatives – Councilmember Calhoun  
**Action Taken**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M. A. **SCHEDULED COMMUNICATION**
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.
- 9:05 A.M. Consider approval for a Council override vote of the approval of a lease and financing agreements between the City of Fresno and Fresno's Chaffee Zoo Corporation vetoed by Mayor Autry on 11/14/2005 (***Council action to override Mayoral veto requires 5 affirmative votes***) – Council President Dages  
**Action Taken:**
- a. \* Approve the amended lease and financing agreements between the City of Fresno and Fresno's Chaffee Zoo Corporation – City Manager's Office  
**Action Taken:**
- 9:45 A.M. **HEARING** to consider an appeal of the Planning Commission's action approving Conditional Use Permit Application No. C-05-03 and environmental findings, filed by Cricket Communications, pertaining to approximately 0.34 acre of property located on the northwest corner of E. Belmont and N. Garden Avenues (***Property located in District 7***) – Planning and Development Dept. (***Continued to December 6, 2005 at 4:00 P.M.***)  
**Action Taken:**
- 10:00 A.M. **HEARING** to consider Community Facilities District No. 2, Annexation No. 108, Tract No. 5278 – Public Works Dept.  
**Action Taken:**
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 108, Final Tract Map No. 5278 and authorizing the levy of a special tax  
**Action Taken:**
- b. **RESOLUTION** – Calling a special mailed-ballot election  
**Action Taken:**
- c. **RESOLUTION** – Declaring election results  
**Action Taken:**
- d. \* **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 108, Final Tract Map No. 5278  
**Action Taken:**
- e. **RESOLUTION** - Approving the Final Map of Tract No. 5278 and accepting dedicated public uses therein and authorize the Public Works Director, Planning and Development Director to execute the necessary documents – Planning and Development Department  
**Action Taken:**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 10:05 A.M.**     **HEARING** to consider Rezone Application No. R-05-07 and environmental findings, filed by Richard Rogers, pertaining to 0.14 acre of property located on the southeast corner of N. Sugar Pine and W. Pinedale Avenues **(Property located in District 2)** – Planning and Development Dept.  
**Action Taken:**  
a.     Consider and adopt Environmental Assessment No. R-05-07, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**  
b.     **BILL** – Amending the Official Zone Map to rezone the subject property from the R-1 (*Single Family Residential*) zone district to the C-6 (*Heavy Commercial*) zone district  
**Action Taken:**
- 10:10 A.M.**     **HEARING** to consider Rezone Application No. R-05-09 and environmental findings, filed by John Miller, pertaining to 0.15 acre of property located on the east side of N. Van Ness Avenue between E. Nevada and E. Mildreda Avenues (240 N. Van Ness Avenue) **(Property located in District 3)** – Planning and Development Dept.  
**Action Taken:**  
a.     Consider and adopt Environmental Assessment No. R-05-09, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
**Action Taken:**  
b.     **BILL** – Amending the Official Zone Map to rezone the subject property from the C-5 (*General Commercial*) zone district to the R-P (*Residential and Professional Office*) zone district  
**Action Taken:**
- 10:15 A.M.**     **HEARING** to consider Community Facilities District No. 2, Annexation No. 107, Tract No. 5412 – Public Works Dept.  
**Action Taken:**  
a.     **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 107, Final Tract Map No. 5412 and authorizing the levy of a special tax  
**Action Taken:**  
b.     **RESOLUTION** – Calling a special mailed-ballot election  
**Action Taken:**  
c.     **RESOLUTION** – Declaring election results  
d.     \* **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 107, Tract Map No. 5412  
**Action Taken:**
- 10:45 A.M.**     **HEARING** to consider resolution of public use and necessity for the acquisition of Airport tenants' lease interests for the development of a new consolidated rental car facility at the Fresno Yosemite International Airport from the following parcel of real property located near the intersection of Clinton and Fine Avenues in the City of Fresno: 494-204-20P (Lot Number 36 of Tract 2553), 494-204-18P (Lot Number 37 of Tract 2553), 494-204-16P (Lot Number 38 of Tract 2553), 494-204-14P (Lot Number 40 of Tract 2553), 494-204-4P (Lot Number 41 of Tract 2553), 494-204-12P (Lot Number 42 of Tract 2553), and 494-204-6P (Lot Number 43 of Tract 2553 ) all of which are leased through a Master Lease by Alice Joyce Grove as sole successor Trustee of the Grove Family Trust of 1987 – Airports Dept. **(Property located in District 4)**  
**Action Taken:**  
a.     \* **RESOLUTION** - That the public interest and necessity require and authorizing eminent domain for acquisition of Airport Tenants' lease interests for the development of a new consolidated Rental Car facility at the Fresno Yosemite International Airport from the following parcel of real property located near the intersection of Clinton and Fine Avenues in the City of Fresno: 494-204-20P (Lot Number 36 of Tract 2553), 494-204-18P (Lot Number 37 of Tract 2553), 494-204-16P (Lot Number 38 of Tract 2553), 494-204-14P (Lot Number 40 of Tract 2553), 494-204-4P (Lot Number 41 of Tract 2553), 494-204-12P (Lot Number 42 of Tract 2553), and 494-204-6P (Lot Number 43 of Tract 2553 ) all of which are leased through a Master Lease by Alice Joyce Grove as sole successor Trustee of the Grove Family Trust of 1987 **(Requires 5 affirmative vote)**  
**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**11:00 A.M.**      **CONTINUED HEARING** to consider Rezone Application No. R-04-103 and environmental findings, filed by Owen Purdy on behalf of Robert and Margaret Simmerman, pertaining to 1.12 acres of property located on the east side of N. Chestnut Avenue between E. Gettysburg and E. Indianapolis Avenues (***Property located in District 4***) – Planning and Development Dept.

**Action Taken:**

a.      Consider and adopt Environmental Assessment No. R-04-103, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

**Action Taken:**

b.      **BILL** – Amending the Official Zone Map to rezone the subject property from the R-2-A/cz (*Low Density Multiple Family Residential/conditions of zoning*) zone district to the R-2-A (*Low Density Multiple Family Residential*) zone district

**Action Taken:**

**2:00 P.M. #1**      **CONTESTED CONSENT CALENDAR**

**2:00 P.M. #2**      **CLOSED SESSION**

**A.      CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)

1.      **Case Name:**      Caltrans v. City of Fresno (Spalding Wathen, Real Party In Interest); Fresno Superior Court Case No. SC 04CECG03559
2.      **Case Name:**      Medical Advocates for Healthy Air, et al. v. City of Fresno, et al. (Fancher Creek Properties, et al., Real Parties in Interest)
3.      **Case Name:**      *Dupont Commercial Flooring Systems, Inc. etc. v. City of Fresno, Mauldin-Dorfmeier Construction Inc., et al. and consolidated and cross-actions*; Fresno Superior Court Case No. 03CECG04489 consolidated with No. 04CECG00577
4.      **Case Name:**      City of Fresno v. Daniel James Keller, et al.

**Action Taken:**

**B.      CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, subdivision (b)

**Significant Exposure to Litigation:**

1.      **Case Name:**      Rolando Gasca Celdon v. City of Fresno, et al.

**Action Taken:**

**C.      CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION** – Government Code Section 54956.9, Subdivision c

1.      **Case Name:**      City of Fresno v. Fresno Certified Development Corporation

**Action Taken:**

**2:00 P.M. #3**      **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

**2:30 P.M.**      **HEARING** regarding naming new City park at Maple and Plymouth, "Todd Beamer Park" – Councilmember Duncan

**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 3:00 P.M.**      **HEARING** to consider awarding contracts for City's biosolid and green waste recycling and reuse and environmental findings Dept. of Public Utilities
- a.      Consider and adopt Environmental Assessment No. 05-38, Finding of Conformity to Program EIR (Fresno County and Incorporated Cities Source Reduction and Recycling Elements/Household Hazardous Waste Elements) SCH No. 91112001 pursuant to Cal. Public Resources Code Section 15168  
         **Action Taken:**
  - b.      \* Award a five-year contract with optional extensions to West Coast Waste, Inc. of Fresno, Tule Ranch/Magan Ranch of Fresno, and Earthwise Organics, Inc. of Fresno for biosolids and green waste recycling and/or reuse  
         **Action Taken:**

- 3:30 P.M.**      **HEARING** to consider Rezone Application No. R-04-111 and environmental findings, filed by David Motes, pertaining to 20 acres of property located on the southwest corner of N. Armstrong and E. Shields Avenues (***Property located in District 4***) – Planning and Development Dept.  
         **Action Taken:**
- a.      Consider and adopt Environmental Assessment No. R-04-111, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan  
         **Action Taken:**
  - b.      **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20 (*Exclusive Twenty Acre Agricultural, Fresno County*) zone district to the C-M/UGM (*Commercial and Light Manufacturing/Urban Growth Management*) zone district  
         **Action Taken:**

**3:45 P.M.**      **REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

Approve Agency minutes of November 15, 2005

**Action Taken:**

- A.      Consider actions relating to proposed Hope VI residential and commercial mixed use project:
  - 1.      **RESOLUTION** - Adopting a Replacement Housing Plan relating to property acquisitions to a proposed Hope VI residential and commercial mixed use project in the Southwest Fresno General Neighborhood Renewal Area Urban Renewal Plan Project Area (***Agency action***)  
         **Action Taken:**
  - 2.      Approve the acquisition of three (3) properties in the Hope VI Project, properties located at 227 E. Geary, 104 E. Lorena and 233 E. Geary (***Agency action***)  
         **Action Taken:**

**ADJOURN AGENCY**

## SCHEDULED COUNCIL HEARINGS AND MATTERS

Dec.	6 -	9:30 A.M.	Reapplying to LAFCO in the matter of an amendment to include the "Southeast Growth Area" within the City of Fresno Sphere of Influence
Dec.	6 -	10:00 A.M.	<b>CONTINUED HEARING</b> to consider Plan Amendment Application No. A-04-01, Rezone Application No. R-04-03, and environment filed by State Center Community College District and Clovis Unified School District
Dec.	6 -	10:15 A.M.	<b>HEARING</b> re: Rezone Application No. R-05-53, filed by Donald W. Sims
Dec.	6 -	10:30 A.M.	<b>HEARING</b> re: Rezone Application No. R-05-56, filed by Rodolfo Castillo
Dec.	6 -	10:45 A.M.	<b>HEARING</b> re: Rezone Application No. R-05-76, filed by David C. Wong
Dec.	6 -	4:00 P.M.	<b>CONTINUED HEARING</b> to consider an appeal of the Planning Commission's action approving Conditional Use Permit Application No. C-05-03 and environmental findings, filed by Cricket Communications
Dec.	6 -	5:00 P.M.	<b>HEARING</b> re: an appeal of the Planning Commission's action approving Environmental Assessment C-04-332 (St. Anthony's Catholic Church)
Dec.	13 -	10:00 A.M.	<b>HEARING</b> re: Text Amendment No. TA-05-02, regarding the location of single family historic building and the interior side yard setback for key lots
Dec.	13 -	10:10 A.M.	<b>HEARING</b> re: Text Amendment No. TA-05-03, to add residential/commercial mixed use projects to the various commercial zone districts
Dec.	13 -	10:30 A.M.	<b>HEARING</b> re: Rezone Application No. R-05-48, filed by Generation Homes
Dec.	13 -	10:45 A.M.	<b>HEARING</b> re: Plan Amendment No. A-04-33, filed by Copper River Ranch
Dec.	13 -	10:50 A.M.	<b>HEARING</b> to consider American Baptist Homes of the West – Finance Dept.
Dec.	13 -	3:00 P.M.	<b>HEARING</b> (Dev.)
Dec.	13 -	3:30 P.M.	<b>CONTINUED RDA HEARING</b> to consider resolution of public interest and necessity for the acquisition of a fee interest from the following parcels of real property located on L Street
Dec.	20 -	<b>NO MEETING - CHRISTMAS WEEK</b>	
Dec.	27 -	<b>NO MEETING - NEW YEARS WEEK</b>	
Jan.	3 -	10:00 A.M.	<b>HEARING</b> re: the vacation of a portion of West Avenue south of Herndon Avenue – R.I. No. 1048D
Jan.	3 -	10:10 A.M.	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 105, Tract No. 5414
Jan.	3 -	10:15 A.M.	<b>HEARING</b> re: Community Facilities District No. 11, Annexation No., Tract No. 5357
Jan.	3 -	10:30 A.M.	Discussion and approval of outlined recommendation regarding the utilization of fire sprinklers
Jan.	17 -	3:00 P.M.	<b>JOINT RDA HEARING</b> re: purchase of 2.52 acres at the northeast corner of Chestnut and Shields Avenues

**(Future workshops – dates to be determined)**

**WORKSHOP** – Follow-up discussion regarding Caltrans discussion held 12/7/2004